IN THE HIGH COURT OF BOMBAY AT GOA

MISCELLANEOUS CIVIL APPLICATION NO. 877 OF 2005

Smt. Guilhermina Tereza
da Conceicao Vieira Dalgado
e Gomes Fernandes, Betim,
Goa. ... Applicant

versus

The Chief Town Planner
and another. ... Respondents

Mr. R. G. Ramani, Advocate for the Applicant.

Mr. S. R. Rivonkar, Government Advocate for the Respondents.

CORAM : R. M. S. KHANDEPARKAR &
N. A. BRITTO, JJ.

DATE : 13TH FEBRUARY, 2006.

P.C.:-

Heard.

Considering the fact that the calculations submitted by the applicant are not disputed on behalf of the respondents, it has been clearly admitted across the Bar that on the day the

amount was deposited by the respondents i.e. on 20-2-2001, an amount of Rs.45,35,145-60 was due and payable to the applicant taking into consideration the Apex Court Judgment in Sundar's case.

The law on the point of entitlement of 15% interest after the expiry of one year from the date of taking of possession of the property in Land Acquisition proceedings and till the date of the payment of the entire amount is well settled apart from being very clear from the provisions of law under Section 34 of the Land Acquisition Act. Once it is not in dispute that an amount of Rs. 45,35,145-60 was due and payable to the applicant on the date the balance amount was deposited on 20-2-2001 and till this date the said amount has not been paid. The applicant would be entitled to the interest on the amount of Rs.45,35,145-60 under Section 34 of the said Act along with interest at 15% p.a. from 21-2-2001 till the date of the payment. In addition thereto the applicant would also be entitled for Rs.2,500/-, i.e. Rs.1,500/- being the cost ordered to be paid plus Rs.1000/- being Court fees. The amount shall be paid by the

respondents to the applicant within eight weeks.

Application stands disposed of.

R.M.S. KHANDEPARKAR,J.

N. A. BRITTO, J.

RD